

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KIMBERLY A. MCGRATH,)	
)	Civil Action
Plaintiff)	No. 06-CV-03789
)	
vs.)	
)	
JO ANNE B. BARNHART,)	
Commissioner of)	
Social Security,)	
)	
Defendant ¹)	

O R D E R

NOW, this 30th day of April, 2007, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Her Request for Review, filed on November 21, 2006; upon consideration of Defendant's Response to Request for Review of Plaintiff, filed on December 11, 2006; upon consideration of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, filed on January 31, 2007; upon consideration of Plaintiff's Civil Complaint, defendant's Answer and after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Hart's Report and Recommendation; it further appearing that Magistrate Judge Hart's Report and Recommendation correctly determined the legal issues presented in this case,

¹ I note that Michael J. Astrue has succeeded Jo Anne B. Barnhart as Commissioner of the Social Security Administration. Because this action was brought against defendant Barnhart solely in her representative capacity and the real party in interest is the Social Security Administration, the change in Commissioners will have no effect upon the merits of this action.

IT IS ORDERED that Magistrate Judge Hart's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that this matter is remanded in accordance with the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of the Social Security Administration for further proceedings consistent with the Report and Recommendation of Magistrate Judge Hart, including an independent medical examination of plaintiff to be obtained by the agency, and if supported by the new medical evidence, a reconsideration of plaintiff's credibility.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge